

1 BILL NO. S-83-05-04

2 SPECIAL ORDINANCE NO. S- 93-83

3 AN ORDINANCE approving contract
4 for the purchase of land by the
Board of Aviation Commissioners.

5 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
6 THE CITY OF FORT WAYNE, INDIANA:

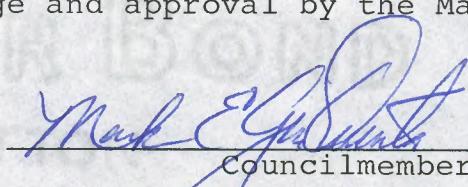
7 SECTION 1. That the following contract was entered into
8 between the Board of Aviation Commissioners and Fort Wayne
9 National Bank for the purchase of buildings and land for the ex-
10 pansion of the airport runway approved by the Federal Aviation
11 Administration, ADAP PROJECT #6-18-0022-07:

12 Contract with Fort Wayne National Bank
13 for house, barn, garage and shed on
three (3) acres located at 9717 Smith
14 Road accepted April 28, 1983 \$65,000.00

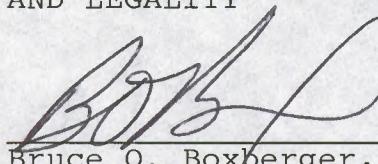
15 which contract is on file in the Office of the Board of Aviation
16 Commissioners and is by reference incorporated herein, made a
17 part hereof and is in all things ratified, confirmed and approved.
18 Two (2) copies of said contract are also on file in the Office
19 of the City Clerk and are available for public inspection.

20 SECTION 2. Funds for the purchase of the property were
21 authorized by City Council in Ordinance #A-83-03-03.

22 SECTION 3. That this Ordinance shall be in full force and
23 effect from and after its passage and approval by the Mayor.

24 
25 Mark E. Galloway
26 Councilmember

27 APPROVED AS TO FORM
28 AND LEGALITY

29 
30 Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by GiaQuinta, seconded by Valencio, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATE: 5-10-83

Madeline Eder
-
Madeline Eder CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Stev, and duly adopted, placed on its passage. PASSED (POST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHOMBURG</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCRUGGS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 5-24-83

Sandra F. Kennedy
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. S 93-83

on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra F. Kennedy

CITY CLERK

Ray A. Eber
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 25th day of May, 1983, at the hour of

11:30 o'clock A.M., E.S.T.

Sandra F. Kennedy
CITY CLERK

Approved and signed by me this 26th day of May
1983, at the hour of 9 o'clock A.M., E.S.T.

WIN MOSES, JR.
WIN MOSES, JR. - MAYOR

UNIFORM LAND ACQUISITION OFFER

TO: Fort Wayne National Bank
Attention: Mr. Paul Federspiel
110 West Berry Street
Fort Wayne, Indiana 46802

The Board of Aviation Commissioners of the City of Fort Wayne, Indiana, (hereinafter called "the Board") is authorized by law to obtain your land for certain public purposes.

The Board needs your land, which is located Northwest of the Northwest corner of Baer Field, the Fort Wayne Municipal Airport, in order to extend Northwest Runway No. 31 and Taxiway, and needs to take the following described property:

The house, barn, garage and shed at 9717 Smith Road and three acres located in the Northwest corner of the Southwest Quarter of Section 5, Township 29 North, Range 12 East, in Allen County, Indiana, as legally described on the attached survey of William A. Darling dated August 12, 1979, marked Exhibit "A".

It is our opinion that the fair market value of said property we want to acquire from you is Sixty-Five Thousand (\$65,000.00) Dollars.

The Board offers you \$65,000.00 for the above described property, computed free and clear of all liens, real estate taxes to be prorated to date of closing.

You have thirty (30) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the deed, and provided there are no difficulties in clearing liens or other problems with title to the land. Possession will be required thirty (30) days after you have received your payment in full.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED
RIGHTS:

1. By law, the Board of Aviation Commissioners of the City of Fort Wayne, Indiana, is required to make a good faith effort to purchase your property.
2. You do not have to accept this offer.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of your land, the Board has the right to file suit to

condemn and appropriate the land in the county in which the real estate is located.

4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.

5. You may object to the public purpose and necessity of this project.

6. If this Board files a suit to condemn and appropriate your land and the court grants its request to condemn, the court will then appoint three (3) appraisers who will make an independent appraisal of the land to be appropriated.

7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the land condemned.

8. If the court appraisers' report is not accepted by either of us, then this Board has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, this Board is legally entitled to immediate possession of the land. You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceeds of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.

9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the land. The court's decision may be more or less than this offer. You may employ, at your expense, appraisers and attorneys to represent you at this time or any time during the course of the proceedings described in this offer.

10. If you have any questions concerning this matter, you may contact us at: Board of Aviation Commissioners, Terminal Building, Baer Field, Fort Wayne, Indiana 46809, or our attorney, John E. Hoffman at 1212 Anthony Wayne Bank Building, Fort Wayne, Indiana 46802, phone (219) 423-3331.

This offer is made to the owner, Fort Wayne National Bank, on the 5th day of April, 1983.

FORT WAYNE BOARD OF AVIATION COMMISSIONERS

BY Raymond L. Hoverman
(Raymond L. Hoverman) its Manager

Agent of: Board of Aviation Commissioners of the City of Fort Wayne, Indiana, per order of the Board adopted March 16, 1983.

If you decide to accept the offer of Sixty-five Thousand (\$65,000.00) Dollars made by the Fort Wayne Board of Aviation Commissioners, sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

ACCEPTANCE OF OFFER

The undersigned, Fort Wayne National Bank, owner of the above described property or interest in said property, hereby accepts the above offer of Sixty-five Thousand (\$65,000.00) Dollars made by the Fort Wayne Board of Aviation Commissioners on this 28th day of April , 1983.

FORT WAYNE NATIONAL BANK

BY Paul R. Federspiel
Paul R. Federspiel its Vice President

CERTIFICATE OF SURVEY

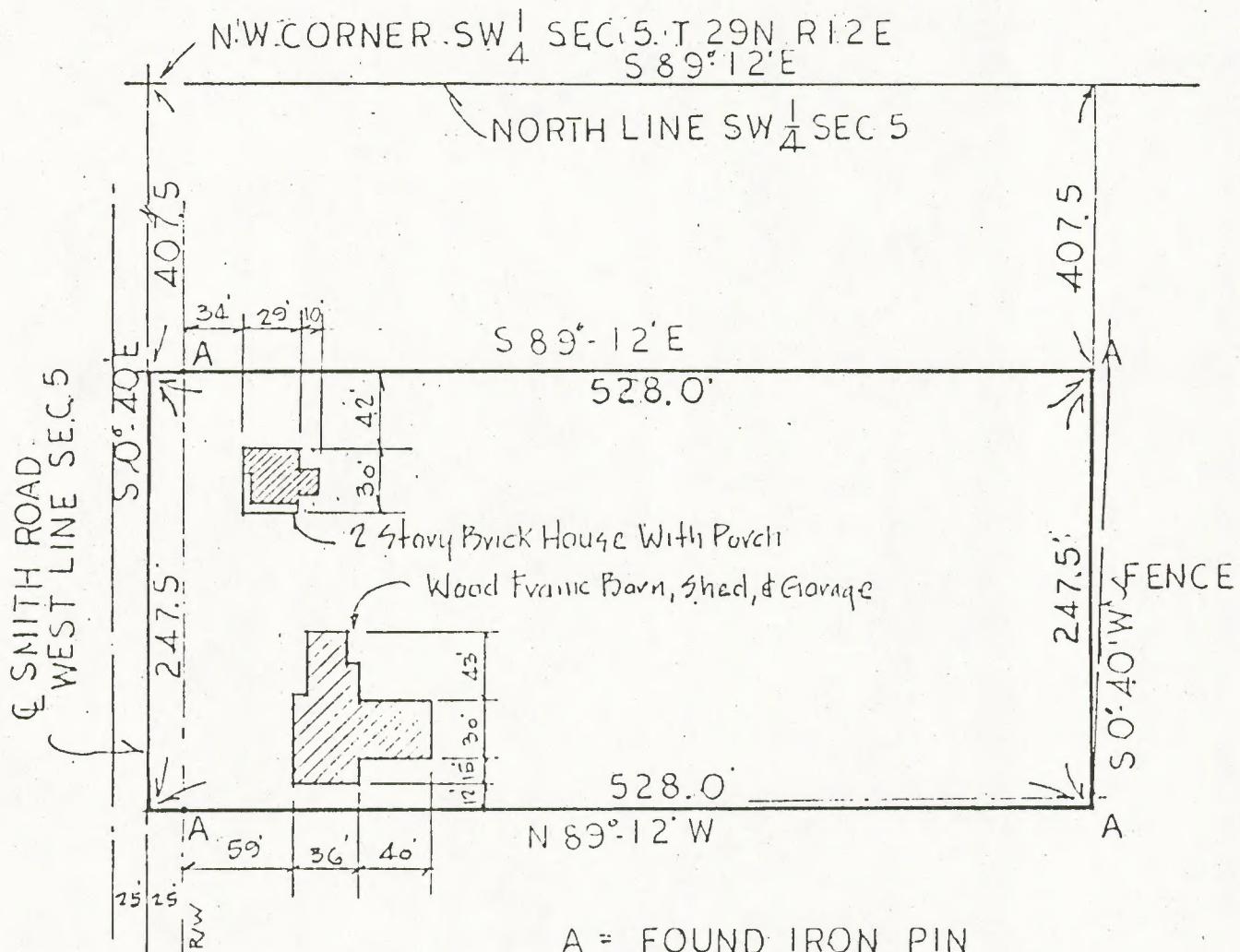
No. BAC 2379

OFFICE OF WILLIAM A. DARLING
Fort Wayne, Indiana

Registered Land Surveyor No. 9905

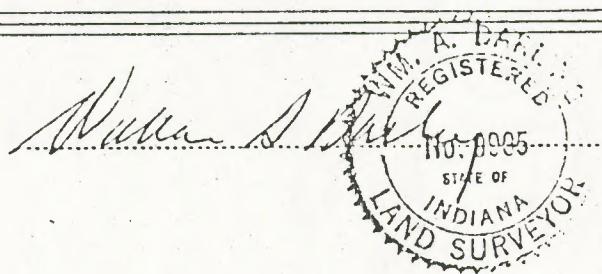
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DESCRIPTION OF PROPERTY:- Part of the Northwest 1/4 of the Southwest 1/4 of Section 5, Township 29 North, Range 12 East, in Allen County, Indiana, more particularly described as follows: Beginning at a point on the West Line of Section 5, Township 29 North, Range 12 East, Allen County, Indiana, which is the centerline of Smith Road, and the point being South 0 degrees 40 minutes East and a distance of 407.5 from the Northwest Corner of the Northwest 1/4 of the Southwest 1/4 of Said Section; thence South 89 degrees 12 minutes East a distance of 528.0 feet; thence South 0 degrees 40 minutes East, a distance of 247.5 feet; thence North 89 degrees 12 minutes West a distance of 528.0 feet to a point on the West Line of Said Section; thence North 0 degrees 40 minutes West along said West Line a distance of 247.5 feet to the point of beginning; containing 3.0 acres, more or less; and subject to the right-of-way along Smith Road.



IN WITNESS WHEREOF, I have placed my hand and seal this 12 day of August 1979.

EXHIBIT "A"



S-83-05-04
BILL NO. _____

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
ORDINANCE approving contract for the purchase of land by the Board of
Aviation Commissioners

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

Mark E. GiaQuinta

JAMES S. STIER, VICE CHAIRMAN

John

JANET G. BRADBURY

Janet G. Bradbury

SAMUEL J. TALARICO

Samuel J. Talarico

DONALD J. SCHMIDT

D. Schmidt

Concurrent 5-24-83

J. Kennedy

6272

DIGEST SHEET

S-83-05-04

TITLE OF ORDINANCE: An Ordinance approving contract for airport land.

DEPARTMENT REQUESTING ORDINANCE: Board of Aviation Commissioners.

SYNOPSIS OF ORDINANCE: Approval of contract by Board of Aviation for purchase of land for extension of Northwest airport runway, approved and financed 80% by Federal Aviation Administration under 1979 ADAP PROJECT #6-18-0022-07.

Purchase price determined by appraisals and approved by F.A.A.

Funds for purchase appropriated by City Council Ordinance #A-83-03-03 adopted March 22, 1983.

House, barn, garage and shed on 3 acres at 9717 Smith Road owned by Fort Wayne National Bank.

EFFECT OF PASSAGE: Purchase of major part of land needed for extension of Northwest runway at Baer Field.

EFFECT OF NON-PASSAGE: None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS):

Total contract \$65,000.00; 80% federally funded and approximately 5% state funded.

ASSIGNED TO COMMITTEE: Committee on Finance.

UNIFORM LAND ACQUISITION OFFER

TO: Fort Wayne National Bank
Attention: Mr. Paul Federspiel
110 West Berry Street
Fort Wayne, Indiana 46802

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condemn and appropriate the land in the county in which the real estate is located.

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10. If you have any questions concerning this matter, you may contact us at: Board of Aviation Commissioners, Terminal Building, Baer Field, Fort Wayne, Indiana 46809, or our attorney, John E. Hoffman at 1212 Anthony Wayne Bank Building, Fort Wayne, Indiana 46802, phone (219) 423-3331.

This offer is made to the owner, Fort Wayne National Bank, on the 5th day of April, 1983.

FORT WAYNE BOARD OF AVIATION COMMISSIONERS

BY Raymond L. Hoverman
(Raymond L. Hoverman) its Manager

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FORT WAYNE NATIONAL BANK

BY Paul R. Federspiel
Paul R. Federspiel its Vice President

HOFFMAN, MOPPERT & ANGEL
ATTORNEYS AT LAW

JOHN E. HOFFMAN

EDWARD J. MOPPERT

~~XXXXXX~~

R. JOHN WRAY

TERRY N. HURSH

SUITE 1212 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802

JOHN C. HOFFMAN (1960)

TELEPHONE 423-3331
AREA CODE 219

May 4, 1983

City Clerk
First Floor
City-County Building
Fort Wayne, Indiana 46802

RE: Special Ordinance #S-83
 for approval of Board of Aviation
 contract to purchase Fort Wayne
 National Bank property at 9717
 Smith Road for \$65,000.00.

Dear Clerk:

The Ordinance for the purchase of the above property will be introduced in City Council on May 10, 1983.

Enclosed are two copies of the contract to purchase to be held on file in your office for public inspection.

JEH:ps

Yours very truly,

John E. Hoffman
John E. Hoffman

Encls.

CC:

Mr. Raymond L. Hoverman
Airport Manager
#209 Terminal Building
Baer Field
Fort Wayne, Indiana 46809

CERTIFICATE OF SURVEY

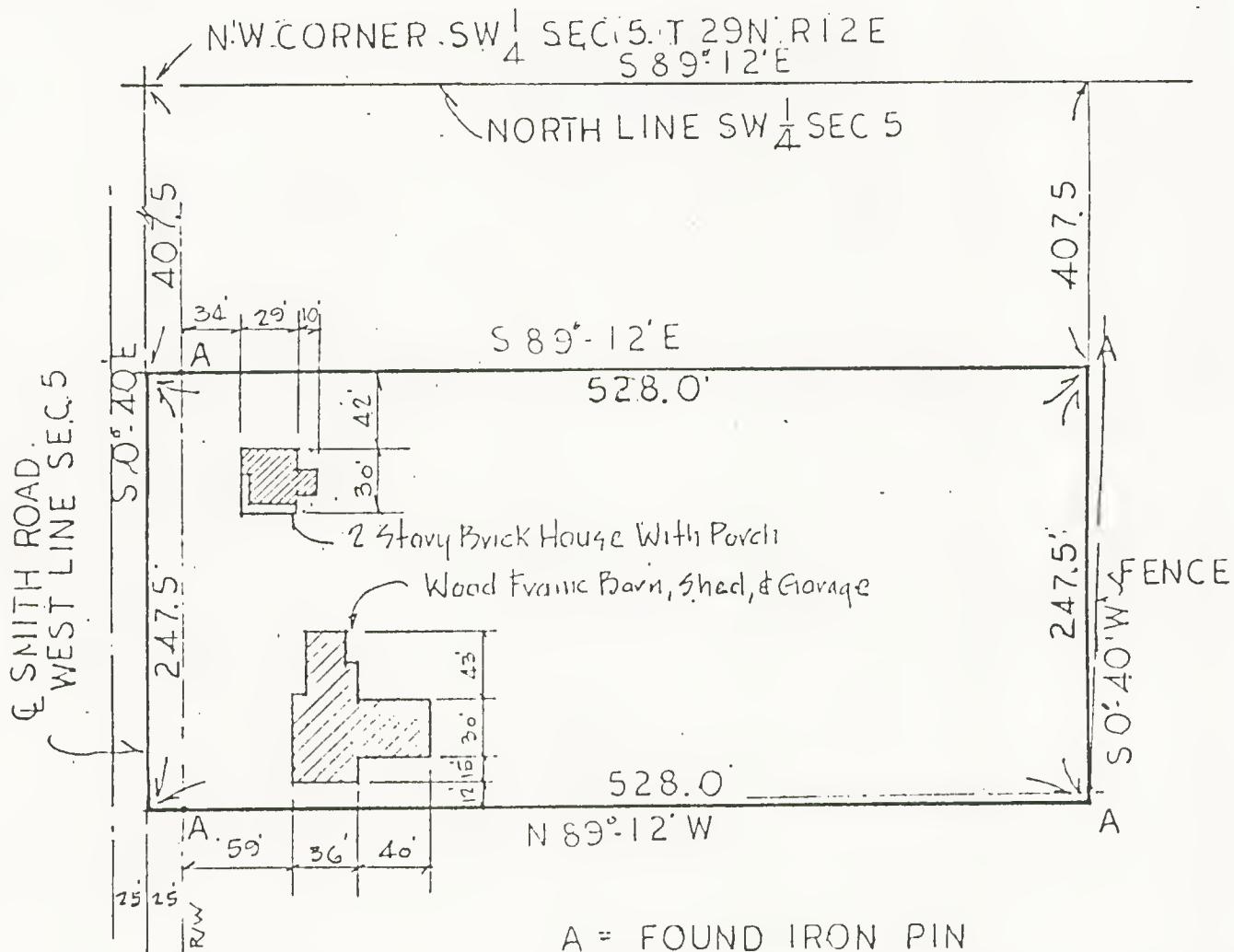
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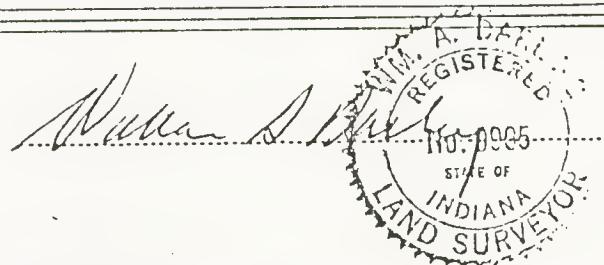
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FORT WAYNE NATIONAL BANK

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CERTIFICATE OF SURVEY

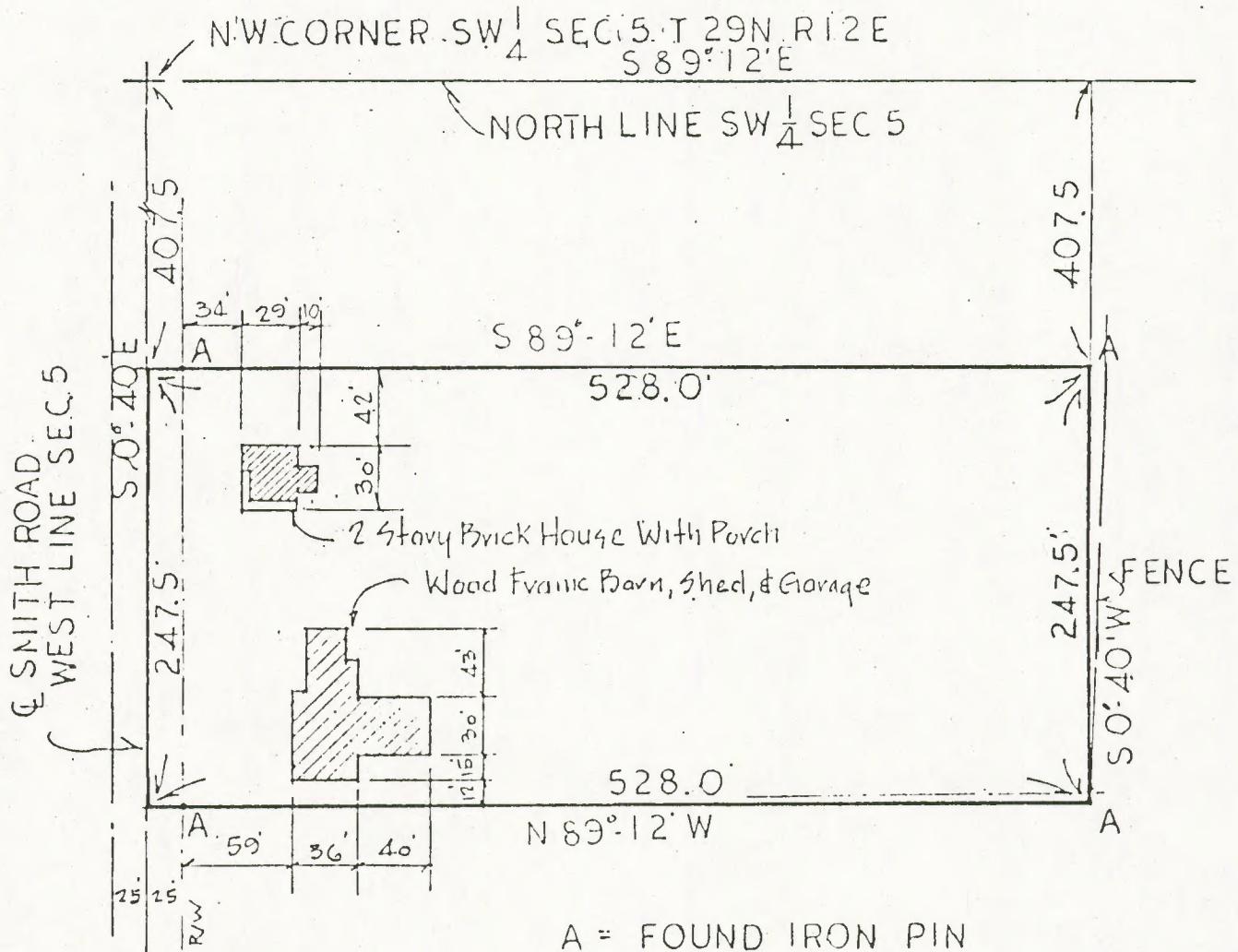
No. BAC 2379

OFFICE OF WILLIAM A. DARLING
Fort Wayne, Indiana

Registered Land Surveyor No. 9905

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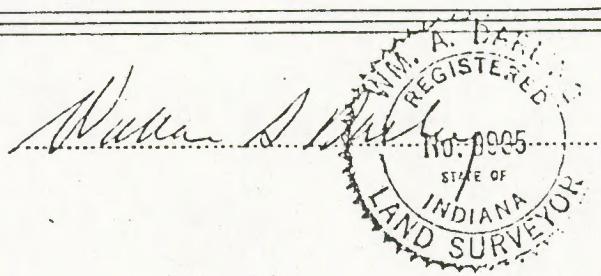


EXHIBIT "A"